



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,884	01/28/2002	Yasuhito Kobayashi	GNE470A	2045

21254 7590 11/30/2004
MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

TRAN, VINCENT HUY

ART UNIT	PAPER NUMBER
----------	--------------

2115

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,884

Applicant(s)

KOBAYASHI ET AL.

Examiner

Vincent T. Tran

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there's a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the discloser is objected to because it is more than 150 words. Correction is required. See MPEP 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 5, 8, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinjo (U.S. Patent No. 5,269,022).

As per claims 1 and 4, Ohsawa teaches the invention comprising:

a remaining power detector [col. 2, lines 18 – 19] for outputting detection result [col. 15, lines 54 – 56];

motion information storage [col. 15, lines 52 – 53] for defining relationship power state relationship of task [driving the camera auxiliary device] and processes [drive no motor, drive 1 motor, drive 2 motors, drive 3 motors – each of the driving processes is considered as a process, fig. 12]; and

a task controller for choosing and executing one of the processes based upon the detecting result of the remaining power detector [when the remaining power is enough to driver two motors, the system performs zoom and focus; when the remaining power is enough to driver one motor, the system performs zoom, fig. 13A-13B, col. 18 line 19 – col. 22, line 4]

5. As per claims 5 and 8, Shinjo teaches the system for choosing process based upon the value of the remaining power. As such, Shinjo teaches the method for operating the system.

Art Unit: 2115

6. As per claims 9 and 12, Shinjo teaches the system for choosing process based upon the value of the remaining power. As such, Shinjo teaches the computer program product containing the computer codes for operating the system.

7. Claims 1, 4, 5, 8, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Furuichi et al (U.S. Patent No. 6,289,399).

As per claims 1 and 4, Ohsawa teaches the invention comprising:

a remaining power detector [col. 3, lines 6 – 10] for outputting detection result [col. 15, lines 54 – 56];

motion information storage [fig. 3 and col. 5, lines 56-62] for defining relationship power state relationship of task [execute individual application] and processes [job types – type1, type2, type3 - each of the job type is considered as a process, fig. 3, col. 11 lines 1-4]; and

a task controller for choosing and executing one of the processes based upon the detecting result of the remaining power detector [resource manager determines whether or not the remaining battery power is sufficient for a specified operating duration. If it is not, the resource manager changes to new job type – col. 11 lines 19-29]

8. As per claims 5 and 8, Furuichi teaches the system for choosing process based upon the value of the remaining power. As such, Furuichi teaches the method for operating the system.

9. As per claims 9 and 12, Furuichi teaches the system for choosing process based upon the value of the remaining power. As such, Furuichi teaches the computer program product containing the computer codes for operating the system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 3, 6, 7, 10, and 11 are being unpatentable over Ohsawa (US Patent No. 5,557,365).

The teachings of Ohsawa as set forth hereinabove is incorporated by reference. Ohsawa does not teach a table with repetition frequency of a process. However, Ohsawa teaches that numerous types of information can be stored in the table wherein each type of information indicating the required battery levels and the associated functions. Specifically, Ohsawa stores the required battery levels for the number of motors [fig. 12] and the required battery levels for the motor speeds of some of the motors [figs. 17 and 18]. As such, it would have been obvious to one of ordinary skill in the art that the generic types of information stored in Ohsawa's table encompasses all different types of the information including the claimed frequency of repetition because the nature of the information does not affect the operation of the table.

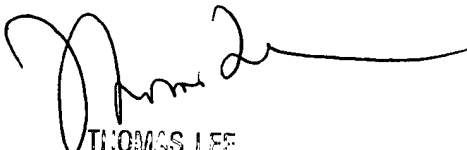
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (703) 872-9303. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vincent Tran


THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100